

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawaii 96813

September 12, 2008

Board of Land  
and Natural Resources  
Honolulu, Hawaii

Request for Approval of a Special Activity Permit for Mr. Kanekoa Kukea Shultz of The Nature Conservancy, and Designated Assistants to Conduct Alien Limu Species Removal From the Waters of Kaneohe Bay, Oahu.

The applicant proposes to conduct activities relating to the removal of alien algae (limu) species from Kaneohe Bay. These activities will include the removal and disposal of alien limu with the separation and return of native limu back to Kaneohe. No native limu will be kept. This permit is necessary as section 13-93-2, Hawaii Administrative Rules (HAR), prohibits the taking of *Gracilaria* species with holdfast, with reproductive nodes, or to have more than one pound per person per day.

The Division of Aquatic Resources has reviewed this application and supports the removal of alien limu species from Kaneohe Bay. The taking of any native limu would mean that the applicant might be in violation of section 13-93-2, HAR, for only a short time during the collection, sorting, and return phases of the removal activities. One *Gracilaris* species, *Gracilaria salicornia*, is an invasive, non-native limu, which would be kept and not returned to the water. While this would be in violation of section 13-93-2, HAR, we believe it is not in the best interest of the State to return this non-native species.

RECOMMENDATION:

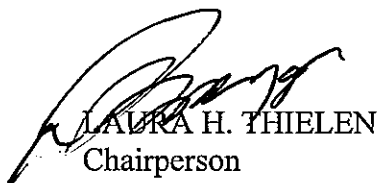
"That the Board approve this request for a Special Activity Permit for Mr. Kanekoa Kukea Shultz."

Respectfully submitted,



DAN POLHEMUS  
Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN  
Chairperson

Department of Land & Natural Resources  
DIVISION OF AQUATIC RESOURCES  
1151 Punchbowl Street, Room 330  
Honolulu, Hawaii 96813

Date Issued: June 18, 2008

Valid Not Longer Than  
One Year From Date Issued

### SPECIAL ACTIVITY PERMIT

The Board of Land and Natural Resources hereby grants permission for certain activities involving aquatic organisms belonging to the people of Hawaii, under Section 187A-6, Hawaii Revised Statutes, and other applicable laws.

The Permittees are

Name: Kanekoa Kukea-Shultz      Address: The Nature Conservancy  
Title: Researcher      923 Nuuanu Avenue  
Affiliation: The Nature Conservancy      Honolulu, HI 96817

This permit is issued, subject to the general and special conditions, to remove alien marine algae species from the waters of Kaneohe Bay, Oahu. This permit allows the taking, possessing, and releasing of native marine algae listed below. This permit does not authorize the permittee (and any assistants designated on the final page(s) of the permit) to kill any regulated aquatic life taken from the waters of the State.

Common Name	Scientific Name	Number Specimen	Collecting Location
Alien algae	Various	As needed	Kaneohe Bay, Oahu
Native algae	Gracilaria coronopifolia, C parvispora, and Grateloupia filicina	As needed	Kaneohe Bay, Oahu

I. GENERAL CONDITIONS:

- A. This permit does not make the Board of Land and Natural Resources or the State of Hawaii liable in any way for any claim of personal injury or property damage to the permittee or assistants which may occur during any activity conducted under this permit; moreover, the permittee and all assistants agree to hold the State harmless against any and all claims of personal injury, death or property damage resulting from activities of the permittee or any assistant.
- B. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Department of Land and Natural Resources. The permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.
- C. The permittee and each assistant are individually responsible and accountable for their actions while conducting activities authorized under this permit; additionally, the permittee is responsible and accountable for the actions of the permittee's assistants.
- D. This permit is not transferable or assignable. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.
- E. The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the DAR at least two weeks prior to the change. All personnel changes will require each individual to sign an "Attachment" stating that they have read, understood, and agree to abide by all general and special permit conditions. No change may be implemented without written approval from the Department/DAR.
- F. The permittee may request to:
  - 1. Add assistants to the permit by having each assistant sign an "Attachment" and send the document to DAR;
  - 2. Add another permittee or be replaced by another permittee in the manner stated above; and
  - 3. Change the activities allowed under this permit.
- G. The permittee or their assistant(s) must have with them a copy of this permit while conducting activities authorized by this permit.
- H. This permit authorizes collection of organisms protected by Federal law only with prior appropriate Federal authority, which must be described on Page 1 of this permit (if applicable).
- I. This permit does not authorize the sale of any collected organism.

- J. This permit expires on the date indicated on Page 1. Within one month of the expiration date, the permittee must return this permit to the Division of Aquatic Resources with complete information on all activities authorized under this permit, on the attached Activity Report form.
- K. The permittee and assistants agree to provide access to data obtained under authority of this permit upon request of the Division of Aquatic Resources, and to provide to the Division a copy of each report, published for distribution, prepared with data obtained under this permit. The permittee agrees to provide the Division of Aquatic Resources access to organisms obtained and held under this permit for on-site inspection.
- L. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit and other penalties as provided by law. In addition, the Department may consider any such violation as grounds for denying any future permit applications.
- M. The permittee will notify the Division of Aquatic Resources prior to the release and/or transfer of any organisms collected under the permit. The permittee will not release any organisms collected under this permit or any organisms raised in a propagation facility under the authority of this permit, without the Division of Aquatic Resources' written approval.

## II. SPECIAL CONDITIONS

- A. This permit authorizes the manual removal, use of a small seine net, and a vacuum pump on a floating platform, to take the alien algae and small mesh bags to hold and remove the alien algae.

All non-native species collected shall not be returned to the ocean but disposed of either at a landfill or farmer compost piles; provided persons taking the alien algae from the compost piles should be informed not to allow the alien algae to return to the ocean and spread to aquatic areas where the alien algae are not currently found.

All native species collected shall be kept alive and returned to the ocean in reasonably good condition, as soon as practical, to ensure their survival. Quarried coral rock may be used to weigh the native algae down provided the coral rock is obtained legally from an established quarry.

- B. The use of any chemical substance is expressly prohibited under this permit.
- C. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of the Division of Aquatic Resources (see "C", General Conditions, page 2 of this permit).

- D. This permit does not by implication authorize the primary permittee or any designated assistant to engage in any other activity that is in violation of any other State, Federal or County law, regulation or ordinance.

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LAURA H. THIELEN, Chairperson and member  
Board of Land and Natural Resources

cc: (x) DOCARE  
( ) Special Agent in Charge, USFWS, Honolulu  
( ) DAR - Kauai

SIGNATURES AND AGREEMENT

By my signature below, I acknowledge receipt and understanding of the general and special conditions of this Special Activity Permit. Further, I agree to abide by all of these conditions when conducting activities authorized by this permit.

PRINCIPAL PERMITTEES:   
Kanekoa Kukea-Shultz


DESIGNATED ASSISTANTS:

Signature: 


Print Name: MANUEL MEJIA

Signature: 

Print Name: RUSSELL AMIMOTO

Signature: 

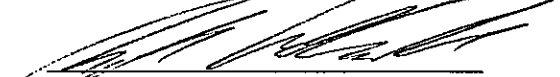
Print Name: Debra J. Matsukawa

Signature: 

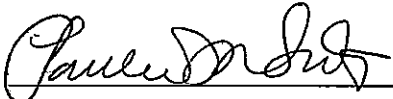
Print Name: Eric Conklin

Signature: 

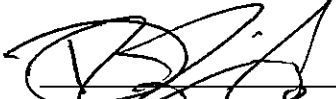
Print Name: Mark Towill

Signature: 

Print Name: Zach Caldwell

Signature: 

Print Name: Pauline Sato

Signature: 

Print Name: ERIC Co

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

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Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

ATTACHMENT FOR DESIGNATED ASSISTANTS ONLY

Primary Permittee: Kanekoa Kukea-Shultz

I, being the primary permittee, hereby acknowledge the addition of the following designated assistants.

\_\_\_\_\_  
Kanekoa Kukea-Shultz

\_\_\_\_\_  
Date

ADDITIONAL DESIGNATED ASSISTANTS

We, the undersigned, have read, understand, and agree to all conditions stipulated in the above Special Activity Permit.

Signature \_\_\_\_\_ Print Name: \_\_\_\_\_

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